

Appl. No. 10/749,337  
Amdt. Dated January 22, 2008  
Reply to Office Action of December 27, 2007

### **REMARKS**

Paragraph [0013] of the specification is cancelled and Paragraphs [0014], [0015] and [0016] are amended hereby. Claims 1-8 and 12-16 remain unchanged from the previous Amendment filed on June 28, 2007. Claims 9-11 have been cancelled, without prejudice, consistent with the previous Amendment, filed on December 18, 2007 but not entered. All amendments are directly sourced from the originally filed material, with no new matter being entered.

In the previous Advisory Office Action mailed on December 07, 2007 that Examiner indicated Paragraph [0012] and Paragraph [0013] in the original disclosure are inconsistent with each other. In the present Advisory Office Action mailed on December 27, 2007 that Examiner also indicated these issues still remain and have not been rectified by Amendment filed on December 18, 2007. Therefore, Applicants have cancelled Paragraph [0013] of the specification. Paragraph [0012] and other paragraphs of the specification are consistent with each other now and can support the remaining claims 1-8 and 12-16.

### **Allowable Subject Matter**

In the Final Office Action mailed September 21, 2007, it was indicated that claims 1-8 and 12-16 are allowed. Applicants request that these claims be allowed to proceed to issuance.

Applicants further submit that the Examiner has, effectively, introduced a new ground of rejection (i.e., regarding inconsistencies in the specification and drawings) in the last two Advisory Actions that was not necessitated by Applicants's amendments to the claims or by an IDS. In fact, in the previous response After-Final (dated 12/18/07), Applicants

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simply accepted what the Examiner had deemed to be allowable subject matter in the Final Office Action. As such, based upon the rejections pending in the case (i.e., as set forth in the Final Office Action), the case should have been in condition for allowance. Instead, that amendment was not entered, based essentially on a *de facto* rejection not officially of record at the time of its submission thereof. Accordingly, Applicants respectfully submit that the Examiner has not provided sufficient and due cause for not entering the amendment of 12/18/07. Further, Applicants submit that, based upon such facts, the current amendment should be entered, and the case should be allowed or, at least, made non-final, as per MPEP §706.07(a).

Respectfully submitted,  
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By

  
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